

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TYRONE HENDERSON, *et al.*

Plaintiffs,

v.

Civil Action No. 3:12cv97 (REP)

CORELOGIC, INC., *et al.*

Defendants.

AGREED ORDER

CAME NOW the parties, Defendants, CoreLogic, Inc. and CoreLogic National Background Data, LLC f/k/a National Background Data, LLC (collectively, “Defendants”), and Plaintiffs, Tyrone Henderson and James Hines (collectively, “Plaintiffs”), by counsel, seeking to modify certain discovery-related deadlines in this action.

WHEREAS, the parties have engaged in substantial meet and confer discussions regarding discovery and scheduling in this case; desire additional time to conduct discovery in this matter; and desire to conduct discovery in the alternative and streamlined manner expressed below. UPON CONSIDERATION WHEREOF, for good cause shown, and by agreement of the parties, it is hereby, ORDERED, ADJUDGED and DECREED as follows:

1. The parties agree to extend the discovery cutoff, the deadline to file motions for summary judgment based upon Phase I discovery, and the deadline to file any motions relating to class certification, until May 31, 2013;
2. The parties agree to delegate all discovery disputes to Magistrate Judge _____ for binding resolution in the following manner after a good-faith meet and confer process, if any discovery disputes remain:

The parties shall schedule a conference call with the magistrate judge to describe the nature of the dispute; thereafter, the parties shall schedule a

hearing at the earliest available date with the magistrate judge to orally present argument relating to the subject of the discovery dispute(s), whereupon the parties may submit in such oral argument any judicial and/or evidentiary authority that they wish to offer in favor of their position(s). The magistrate judge shall endeavor to quickly issue a decision on the disputed issue(s), and compliance with such decision shall be made within seven days after the magistrate judge's ruling, unless the magistrate judge permits a longer timeframe for compliance. The magistrate judge shall have all authority permitted the Court by Fed. R. Civ. P. 37.

3. The deadline for submission of objections to any written discovery served shall be extended until the time that responses to such discovery are due;
4. Neither party shall have an obligation to create or serve any privilege log in Phase I of this action;
5. The parties expressly agree that any discovery relating to damages, whether actual, statutory, or punitive, is deferred in its entirety until Phase II of discovery. The parties further agree, however, that this deferment is without prejudice to either parties' contentions relative to the significance of proof or disproof of such damages with respect to any motions regarding class certification; and
6. Expert disclosures to be used in Phase I (summary judgment and/or class certification) shall be made simultaneously on or before May 1, 2013. Any rebuttal expert disclosures shall be due on or before May 15, 2013.

The Clerk is directed to send a copy of this Order to counsel of record.

HON. ROBERT E. PAYNE
Senior United States District Judge

Richmond, Virginia
Date: March __, 2013

WE ASK FOR THIS:

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